



**TIGARD CITY COUNCIL
BUSINESS MEETING**

February 28, 2006

6:30 p.m.

**TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223**



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
FEBRUARY 28, 2006

6:30 PM

- STUDY SESSION

- > IGA – Goal 5 Fish & Wildlife Habitat – Tualatin Basin Partners
 - Staff Report: Community Development Department
- > Hall Blvd. Jurisdictional Transfer Discussion
 - Staff Report: Engineering Department
- > Hall Blvd./Highway 99W Design Modifications
 - Staff Report: Community Development Department
- > Urban Services Intergovernmental Agreement with Cities of Tigard, Tualatin, Beaverton, and Wilsonville, and Washington County (Washington County – Wilsonville to Beaverton Commuter Rail Project)
 - Staff Report: Community Development Department
- > Wildlife Refuge Opening Event
 - Staff Report: Community Development Department

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss pending litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Tigard Area Chamber of Commerce
- Follow-up to Previous Citizen Communication

3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Council Minutes for January 17 and 24, 2006
- 3.2 Approve First Amendment to Urban Services Intergovernmental Agreement with Cities of Tigard, Tualatin, Beaverton, and Wilsonville, and Washington County (Washington County – Wilsonville to Beaverton Commuter Rail Project)
- 3.3 Approve Intergovernmental Agreement (IGA) – Organization and Function of the Tualatin Basin Natural Resource Coordinating Committee
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

4. PUBLIC HEARING (QUASI-JUDICIAL): VACATION OF AN UN-NAMED PUBLIC RIGHT-OF-WAY EAST OF SW 74TH AVENUE AND EAST OF THE S P & S RAILROAD RIGHT-OF-WAY, NORTH OF DURHAM ROAD (VAC2005-00003)

The purpose of the public hearing is to consider a request by Larusso Concrete Company, Inc. and Richard Akerman & James Wathey concerning the proposed vacation involving an approximately 7,845 square foot portion of an un-named public right-of-way.

The petition was filed with the City on November 15, 2005 and initiated by the City Council at the request of the applicant on December 20, 2005. Any interested person may appear and be heard for or against the proposed vacation of said Un-Named Portion of Public Right-of-way East of SW 74th Avenue Vacation. Any written objections or remonstrances shall be filed with the City Recorder by **7:30 PM on February 28, 2006.**

- a. Open Public Hearing - Mayor
- b. Staff Report: City Attorney and Community Development Staff
- c. Declarations or Challenges
- d. Public Testimony
 - Proponents
 - Opponents
 - Rebuttal
- e. Staff Recommendation
- f. Council Discussion
- g. Close Public Hearing
- h. Council Consideration: Ordinance No. 06-_____

5. PUBLIC HEARING (QUASI-JUDICIAL): VACATION OF FIVE SMALL PORTIONS OF PUBLIC RIGHT-OF-WAY TOTALING 3,392 SQUARE FEET ALONG SW 68TH PARKWAY AND 69TH AVENUE (VAC2005-00004 & VAC2005-00005)

The purpose of the public hearing is to consider a request by Specht Development, Inc. concerning the proposed vacation involving five (5) small portions of public right-of-way totaling 3,392 square feet.

The petition was filed with the City on September 9, 2005 and initiated by the City Council at the request of the applicant on January 10, 2006. Any interested person may appear and be heard for or against the proposed vacation of said 68th Parkway Public Right-of-Way Vacation and 69th Avenue Public Right-of-Way Vacation. Any written objections or remonstrances shall be filed with the City Recorder by **7:30 PM on February 28, 2006.**

- a. Open Public Hearing - Mayor
- b. Staff Report: City Attorney and Community Development Staff
- c. Declarations or Challenges
- d. Public Testimony
 - Proponents
 - Opponents
 - Rebuttal
- e. Staff Recommendation
- f. Council Discussion
- g. Close Public Hearing
- h. Council Consideration: Ordinance No. 06-_____

6. PUBLIC HEARING (QUASI-JUDICIAL) LAND USE BOARD OF APPEALS (LUBA) REMAND OF ASH CREEK ESTATES SUBDIVISION (SUB) 20003-00010/PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-0003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037

The State Land Use Board of Appeals (LUBA) has remanded for a second time the City Council's approval of a 29-lot Planned Development Subdivision on 9.3 acres and associated Zone Change, Sensitive Lands, and Adjustment reviews to address a single issue relating to tree preservation. As limited by LUBA, the issue remanded is whether the tree plan preserves trees to the greatest extent possible, given that the second tree plan does not protect 23 trees designated for protection in the original tree plan, but not designated for protection in the revised tree plan previously approved. On this second remand, the applicant has submitted a second revised tree plan that amends the first revised tree plan by designating for protection the 23 trees specifically mentioned by LUBA. A full copy of LUBA's Final Opinion and Order can be obtained from City Hall at cost, or is also available online at <http://luba.state.or.us/pdf/2005/sept05/05042.htm>. **LOCATION:** 9750 SW 74th Avenue; WCTM 1S125DC, Tax Lots 300 and 400. **ZONE:** R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The only applicable criterion on the issue on which LUBA remanded is CDC 18.350.100.B.3.a.1, which requires that planned developments protect existing trees to the greatest degree possible.

- a. Open Public Hearing - Mayor
 - b. Staff Report: City Attorney and Community Development Staff
 - c. Declarations of Challenges
 - d. Public Testimony
 - Proponents
 - Opponents
 - Rebuttal
 - e. Staff Recommendation
 - f. Council Discussion
 - g. Close Public Hearing
 - h. Council Consideration: Resolution No. 06-_____
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7. LOCAL CONTRACT REVIEW BOARD: POST-PROJECT EVALUATION REPORT OF THE CM/GC (CONSTRUCTION MANAGER/GENERAL CONTRACTOR) CONTRACT FOR THE TIGARD NEW LIBRARY PROJECT
 - Staff Report: Engineering Department

 8. CONSIDER AN INTERGOVERNMENTAL AGREEMENT (IGA) FOR JOINT FUNDING OF A WATER SUPPLY SYSTEM PLAN WITH THE CITY OF LAKE OSWEGO
 - Staff Report: Public Works Department
 - Council Discussion
 - Council Consideration of IGA

 9. CONSIDER PURSUING DESIGN MODIFICATION OF THE INTERSECTION AT HALL BLVD AND 99W TO INCLUDE PEDESTRIAN IMPROVEMENTS, LANDSCAPING ENHANCEMENTS AND A POTENTIAL GATEWAY
 - Staff Report: Community Development Department
 - Council Discussion
 - Council Direction to Staff

 10. CONSIDER A RESOLUTION TO ESTABLISH A PROPOSED LOCAL IMPROVEMENT DISTRICT (LID) AS A PROJECT IN THE FY 2005-06 CAPITAL IMPROVEMENT PROGRAM (CIP), AND DIRECTING THE PREPARATION OF A PRELIMINARY ENGINEER'S REPORT FOR THE PROPOSED LID IN THE TIGARD TRIANGLE AND AUTHORIZING THE ESTABLISHMENT OF A FUNDING MECHANISM FOR THE PREPARATION OF THE REPORT
 - Staff Report: Engineering Department
 - Council Discussion
 - Council Direction to Staff

10. CONSIDER BUDGET AMENDMENT #10 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE GAS TAX FUND FOR FUNDING OF THE PRELIMINARY ENGINEER'S REPORT FOR THE PROPOSED LOCAL IMPROVEMENT DISTRICT (LID) FOR INFRASTRUCTURE IMPROVEMENTS IN THE TIGARD TRIANGLE
 - Staff Report: Finance/Engineering Department
 - Council Discussion
 - Council Consideration: Resolution No. 06-_____
11. NON AGENDA ITEMS
12. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
13. ADJOURNMENT